

Message Text

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INFO ERDA GERMANTOWN MD

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TAGS: PARM, CCD

SUBJECT: CCD - NWFZ STUDY, CHAPTER FOUR (RESPONSIBILITIES OF STATES)

REF: A) GENEVA 6321; B) GENEVA 6328

FOLLOWING IS TEXT OF CHAPTER FOUR (RESPONSIBILITIES OF STATES WITHIN THE ZONE AND OF OTHER STATES), IN FORM WHICH IS EXPECTED TO BE APPROVED AD REFERENDUM BY EXPERTS AT EVENING MEETING AUGUST 13.

BEGIN TEXT:

IV. RESPONSIBILITIES OF STATES WITHIN THE ZONE AND OF OTHER STATES

1. THE POSITIVE IMPACT OF A NUCLEAR-WEAPON-FREE-ZONE ON STRENGTHENING REGIONAL AND GLOBAL SECURITY WOULD DEPEND UPON A PROPER DISTRIBUTION OF RESPONSIBILITIES AMONG ZONAL AND UNCLASSIFIED

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EXTRA ZONAL STATES - IN THE LATTER CASE PARTICULARLY THE

NUCLEAR-WEAPONS STATES. MOST EXPERTS CONSIDERED THAT THE SUBSTANTIAL PROVISIONS CONTRIBUTING TO A NUCLEAR-WEAPON-FREE ZONE SHOULD BE FOUNDED ON AN AGREED BALANCE OF RESPONSIBILITIES. THE NATURE OF THE RESPONSIBILITIES AND THE BALANCES WHICH MIGHT BE STRUCK ARE DISCUSSED IN THIS CHAPTER.

1. NEED FOR DEFINITION OF FUNDAMENTAL TERMS

2. MOST EXPERTS FELT THAT IT WAS ESSENTIAL THAT THE FUNDAMENTAL CONCEPTS UNDERLYING THE IDEA OF A NUCLEAR-WEAPONS-FREE ZONE BE CLEARLY DEFINED IN THE INSTRUMENT ESTABLISHING THE ZONE. BUT THE VIEW WAS ALSO EXPRESSED THAT IT MIGHT BE DIFFICULT AND EVEN UNNECESSARY TO ATTEMPT TO DEFINE VARIOUS WELL-KNOWN TERMS WHICH MIGHT ALSO BE USED IN A NUCLEAR-WEAPON-FREE ZONE TREATY, AND THAT SEVERAL EXISTING TREATIES ON ARMS LIMITATION, DISARMAMENT AND COLLATERAL DISARMAMENT MEASURES DO NOT INCORPORATE DEFINITIONS OF THOSE TERMS IN THEIR TEXTS. SOME EXPERTS POINTED OUT, HOWEVER, THAT PRECISELY THIS LACK OF DEFINITION MAY HAVE BEEN A PARTIAL CAUSE OF THE LACK OF EFFECTIVENESS OF SOME OF THOSE AGREEMENTS.

3. ALL MEMBERS OF SUCH A ZONE MUST BE IN FULL AGREEMENT ABOUT THE MEANING OF THE TERM "NUCLEAR WEAPON". FAILURE TO AGREE ON THIS POINT WOULD BE VIRTUALLY CERTAIN TO LEAD TO SERIOUS AND FUNDAMENTAL MISUNDERSTANDINGS, AND MIGHT WELL JEOPARDIZE THE EFFECTIVENESS OF THE ZONE.

4. SINCE, IN CONTROLLING THE SPREAD OF NUCLEAR EXPLOSIVE TECHNOLOGY, NO DISTINCTION CAN BE MADE BETWEEN NUCLEAR EXPLOSIVE DEVICES USABLE FOR MILITARY AND FOR PEACEFUL PURPOSES, MOST EXPERTS BELIEVE THAT THE TERM "NUCLEAR WEAPON" IN ANY NUCLEAR-WEAPON-FREE ZONE ARRANGEMENT SHOULD APPLY TO ANY NUCLEAR EXPLOSIVE DEVICE, WHATEVER ITS DETAILED CHARACTERISTICS OR INTENDED USE. THESE EXPERTS THEREFORE INTERPRET THE TERM "NUCLEAR WEAPON", WHENEVER USED IN THIS REPORT, AS REFERRING TO NUCLEAR WEAPONS OR ANY OTHER NUCLEAR EXPLOSIVE DEVICES.

5. THIS VIEW IS DISPUTED BY THOSE EXPERTS WHO SEE A CLEAR DISTINCTION BETWEEN A NUCLEAR WEAPON AND A NUCLEAR DEVICE

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DEVELOPED EXCLUSIVELY FOR PEACEFUL PURPOSES. THEY SEE NO INCOMPATIBILITY BETWEEN THE DEVELOPMENT OF AN INDIGENOUS PEACEFUL NUCLEAR EXPLOSION CAPABILITY AND MEMBERSHIP OF A NUCLEAR-WEAPON-FREE ZONE.

6. IT WOULD SEEM ESSENTIAL TO DEFINE WHAT, FOR THE PURPOSE OF THE ZONE TRATY IS MEANT BY "TERRITORY" OF THE CONTRACTING PARTIES. SOME EXPERTS SPECIFIED THAT THE TERM "TERRITORY"

SHOULD INCLUDE THE TERRITORIAL SEA, AIR SPACE AND OTHER SPACE OVER WHICH THE STATE EXERCISES SOVEREIGNTY IN ACCORDANCE WITH ITS OWN LEGISLATION, WHILE OTHERS EMPHASIZED THAT ANY DEFINITION OF "TERRITORY" MUST BE IN CONFORMITY WITH INTERNATIONAL LAW.

7. IT COULD ALSO BE NECESSARY TO DEFINE CLEARLY WHAT IS MEANT BY THE "ZONE" COVERED BY A TREATY. MOST EXPERTS CONCEIVE A NUCLEAR-WEAPON-FREE ZONE AS A GEOGRAPHIC AREA IN WHICH TOTAL ABSENCE OF NUCLEAR WEAPONS IS ENSURED THROUGH INTERNATIONALLY VALID COVENANTS AND WHOSE EXISTENCE AS SUCH HAS BEEN RECOGNIZED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS. THE ARGUMENT WAS ADVANCED BY SOME EXPERTS THAT THE ZONE COULD ALSO INCLUDE INTERNATIONAL WATERS, IF THE SECURITY OF STATES INCLUDED IN IT IS THUS ENHANCED. HOWEVER, OTHER EXPERTS DISAGREED AND EMPHASIZED THAT IN ESTABLISHING A NUCLEAR-WEAPON-FREE ZONE THE STATES INVOLVED MUST NOT INFRINGE INTERNATIONAL LAW, INCLUDING THE PRINCIPLE OF FREEDOM OF NAVIGATION ON THE HIGH SEAS AND IN STRAITS USED FOR INTERNATIONAL SHIPPING, AND IN INTERNATIONAL AIR SPACE. THESE EXPERTS CONSIDERED THAT DISARMAMENT EFFORTS APPLICABLE TO AREAS OUTSIDE THE SOVEREIGNTY OF STATES WOULD REQUIRE INTERNATIONAL ARRANGEMENTS QUITE DIFFERENT FROM THE REGIONAL ARRANGEMENTS OF A NUCLEAR-WEAPON-FREE ZONE. THEY ALSO POINTED OUT THAT "RECOGNITION" BY THE GENERAL ASSEMBLY, EITHER BY ADOPTION OF A RESOLUTION OR BY SOME OTHER ACTION, COULD NOT BE A NECESSARY CONDITION FOR THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE.

8. SOME EXPERTS FELT THAT EXTRA-ZONAL STATES SHOULD AGREE TO THE ESTABLISHMENT OF SAFETY AREAS, ADJACENT TO THE ZONE, IN WHICH IT WOULD BE NECESSARY TO REMOVE NUCLEAR WEAPONS GEOGRAPHICALLY CLOSE TO THE ZONE THAT MAY BE ASSIGNED TO TARGETS

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WITHIN THE ZONE, OR THAT HAVE LIMITED DELIVERY RANGES MAKING THEM GENERALLY SUITABLE FOR ATTACKING SUCH TARGETS. THE PURPOSE OF SUCH UNDERTAKINGS, ACCORDING TO THESE EXPERTS WOULD BE TO ASSURE THE STATES IN THE ZONE THAT THEIR OBJECTIVES WILL NOT BE FRUSTRATED BY THE PRESENCE OF THESE NUCLEAR WEAPONS IN AREAS IMMEDIATELY ADJOINING THE TERRITORY. SOME OTHER EXPERTS, HOWEVER, POINTED OUT THAT EXTRA-ZONAL STATES ARE NOT UNDER OBLIGATION TO AGREE TO THE ESTABLISHMENT OF SAFETY AREAS REFERRED TO ABOVE, AND THAT THEY MIGHT HAVE SERIOUS DIFFICULTY, FROM THE STANDPOINT OF THEIR OWN SECURITY COMMITMENTS AND FOR OTHER REASONS, IN UNDERTAKING TO REGARD AREAS OUTSIDE RECOGNIZED NUCLEAR-WEAPON FREE ZONES AS "SAFETY AREAS".

9. IT WOULD ALSO BE DESIRABLE TO DEFINE THE TERMS "TRANSIT" AND "TRANSPORT" OF NUCLEAR WEAPONS IN THE CONTEXT OF A NUCLEAR-

WEAPON-FREE ZONE. SOME EXPERTS SUGGESTED THAT "TRANSIT" MEANS THE PASSAGE THROUGH THE ZONE OF NUCLEAR WEAPONS, AS DEFINED IN THE ZONE TREATY, BY A STATE WHICH IS NOT A PARTY TO THE TREATY, INCLUDING THE ENTRY INTO PORTS SITUATED THERE OF VESSELS HAVING NUCLEAR WEAPONS ON BOARD, AND THAT "TRANSPORT" MEANS THE CARRIAGE OF NUCLEAR WEAPONS IN VEHICLES OF ANY STATE BELONGING TO THE ZONE, EVEN OUTSIDE THE ZONE ITSELF.

2. DEVELOPMENT AND PRODUCTION OF NUCLEAR WEAPONS

10. AS TO THE SPECIFIC OBLIGATIONS TO BE ASSUMED BY THE STATES OF THE ZONE, MOST EXPERTS AGREED THAT THE MOST IMPORTANT OBLIGATION DESIGNED TO ENSURE THAT THERE ARE NO NUCLEAR WEAPONS IN THE ZONE IS THAT THE STATES OF THE ZONE SHOULD UNDERTAKE NOT TO DEVELOP, TEST OR PRODUCE BY ANY MEANS WHATSOEVER ANY NUCLEAR EXPLOSIVE DEVICES, EITHER DIRECTLY OR INDIRECTLY, ON BEHALF OF THEMSELVES OR ANYONE ELSE, OR IN ANY OTHER WAY. WHEN TERRITORIES IN THE ZONE WHICH ARE UNDER THE JURISDICTION OF EXTRA-ZONAL STATES ARE BROUGHT WITHIN THE SCOPE OF APPLICATION OF THE NUCLEAR-WEAPON-FREE ZONE, THEN UNDERTAKINGS OF THE SAME EFFECT SHOULD BECOME OPERATIVE IN THOSE TERRITORIES. IT WAS GENERALLY RECOGNIZED THAT FOR THE MAXIMUM EFFECTIVENESS OF THE ZONE, NUCLEAR-WEAPON STATES SHOULD UNDERTAKE NOT TO ASSIST ZONAL STATES IN THE DEVELOPMENT OR PRODUCTION OF NUCLEAR WEAPONS. IT WAS ALSO EMPHASIZED BY MANY EXPERTS THAT THE ROLE OF EXTRA-ZONAL NON-NUCLEAR-WEAPON STATES WITH ADVANCED NUCLEAR TECH-
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NOLOGY IS AS IMPORTANT IN THIS REGARD AS THAT OF THE NUCLEAR-WEAPON STATES. ANOTHER VIEW WAS EXPRESSED THAT THIS PROHIBITION SHOULD NOT APPLY TO NUCLEAR EXPLOSIVE DEVICES DEVELOPED EXCLUSIVELY FOR PEACEFUL PURPOSES.

3. ACQUISITION AND POSSESSION OF NUCLEAR WEAPONS

11. A SECOND OBLIGATION WHICH THE STATES IN THE ZONE MUST ASSUME EXPLICITLY IS THE COMMITMENT NOT TO ACQUIRE, POSSESS, OR RECEIVE NUCLEAR WEAPONS IN ANY MANNER, DIRECTLY OR INDIRECTLY, BY THEMSELVES OR BY ANYONE ON THEIR BEHALF, OR IN ANY OTHER WAY, INSIDE OR OUTSIDE THE ZONE. THIS UNDERTAKING SHOULD BE, IN THE OPINION OF MANY EXPERTS, MATCHED BY AN UNDERTAKING BY THE NUCLEAR-WEAPON STATES TO FULLY RESPECT THE STATUS OF THE ZONE. SOME EXPERTS, HOWEVER, WHILE AGREEING THAT THIS WOULD MAKE THE ZONE MORE EFFECTIVE, EMPHASIZED THAT SUCH UNDERTAKINGS WOULD IN PRACTICE REQUIRE AGREEMENT BETWEEN ZONE PARTIES AND THE NUCLEAR-WEAPON STATES.

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4. INSTALLATION AND STOCKPILING OF NUCLEAR WEAPONS IN THE ZONE

12. STATES MEMBERS OF A NUCLEAR-WEAPON-FREE ZONE SHOULD UNDERTAKE TO PROHIBIT AND PREVENT THE INSTALLATION AND DEPLOYMENT, STORAGE AND STOCKPILING, OF NUCLEAR WEAPONS, THAT ARE UNDER THE CONTROL OF STATES OUTSIDE THE ZONE. THIS WOULD REQUIRE THE AGREEMENT OF EXTRA-ZONAL STATES IN THOSE CASES WHERE THERE ARE MILITARY BASES OR ESTABLISHMENTS WHICH ARE NOT NORMALLY UNDER THE JURISDICTION OF A ZONAL STATE OR WHERE EXTRA-ZONAL STATES HAVE JURISDICTION OVER TERRITORIES WITHIN THE ZONE. SOME EXPERTS STRESSED THAT THIS PROVISION SHOULD BE APPLIED ONLY TO TERRITORIES OF EXTRA-ZONAL STATES WITHIN THE ZONAL BOUNDARIES RECOGNIZED BY THEM.

5. TRANSPORT OF NUCLEAR WEAPONS.

13. IT CAN BE INFERRED THAT THE ZONAL STATES, BY RENOUNCING ANY FORM OF POSSESSION OF NUCLEAR WEAPONS, EITHER DIRECTLY OR INDIRECTLY, BY THEMSELVES OR BY ANYONE ON THEIR BEHALF, WOULD BE PRECLUDED FROM TRANSPORTING SUCH WEAPONS IN VEHICLES UNDER THEIR JURISDICTION OR CONTROL, SINCE TRANSPORT, HOWEVER

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BRIEF OR TEMPORARY, COULD BE INTERPRETED TO IMPLY POSSESSION. HOWEVER, IN THE TREATY ESTABLISHING THE ZONE, CLEAR PROVISIONS IN THIS RESPECT WOULD BE IMPORTANT FOR THE EFFECTIVENESS OF THE ZONE.

6. TRANSIT OF NUCLEAR WEAPONS THROUGH THE ZONE

14. SOME EXPERTS ARGUED THAT PROHIBITION OF TRANSIT IN THE TREATY ESTABLISHING THE ZONE WOULD BE AN ESSENTIAL ELEMENT OF A NUCLEAR-WEAPON-FREE ZONE AND IT SHOULD BIND BOTH ZONAL AND EXTRA-ZONAL STATES, IN ORDER TO PREVENT THE POSSIBILITY OF INTRODUCING NUCLEAR WEAPONS INTO THE ZONE WHILE IN TRANSIT. OTHER EXPERTS EXPRESSED THE VIEW THAT THE PROVISIONS GOVERNING A ZONE SHOULD NOT AFFECT THE EXISTING RIGHTS OF STATES TO GRANT OR TO DENY THE TRANSIT OF FOREIGN MILITARY AIRCRAFT OR WARSHIPS WITH NUCLEAR WEAPONS THROUGH THEIR AIR SPACE OR TERRITORIAL WATERS, IN ACCORDANCE WITH INTERNATIONAL LAW. STILL OTHER EXPERTS MAINTAINED THAT ALTHOUGH THE QUESTION OF TRANSIT IS INDEED IMPORTANT, ITS DEFINITION SHOULD NOT BE A CONDITION SINE QUA NON FOR THE ESTABLISHMENT OF THE ZONE. SOME EXPERTS FURTHER STRESSED THAT SUCH PROVISIONS SHOULD NOT AFFECT THE FREEDOM OF NAVIGATION THROUGH STRAITS USED FOR INTERNATIONAL SHIPPING. THE VIEW WAS ALSO EXPRESSED THAT WHILE NUCLEAR-WEAPON STATES COULD VOLUNTARILY UNDERTAKE THE COMMITMENT NOT TO TRANSIT WITH NUCLEAR WEAPONS ANY INTERNATIONAL WATERS, STRAITS USED FOR INTERNATIONAL SHIPPING OR INTERNATIONAL AIR SPACE THAT MIGHT BE INCLUDED IN A ZONE, SUCH RESTRICTIONS COULD NOT BE IMPOSED ON THOSE STATES WITHOUT THEIR CONSENT AND THAT, ASIDE FROM THIS LEGAL CONSIDERATION, THE APPLICATION OF NUCLEAR-WEAPON-FREE ZONE PROHIBITIONS TO INTERNATIONAL WATERS STRAITS USED FOR INTERNATIONAL SHIPPING OR INTERNATIONAL AIR SPACE COULD RAISE SERIOUS POLITICAL AND SECURITY PROBLEMS, AND MIGHT THEREFORE BE FOUND OBJECTIONABLE.

7. USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST THE ZONE

15. ONE OF THE PRINCIPAL OBJECTIVES OF THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IS TO INCREASE THE SECURITY OF ITS PROSPECTIVE MEMBERS STATES. IT IS A SOVEREIGN RIGHT OF EACH STATE TO ASSESS ITS OWN SECURITY NEEDS AND TO ADOPT THE UNCLASSIFIED

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MEASURES REQUIRED TO STRENGTHEN ITS SECURITY: THE PARAMOUNT SECURITY INTEREST OF STATES INVOLVED IN THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE WOULD CLEARLY BE TO SPARE THEMSELVES FROM BEING ATTACKED WITH, OR THREATENED BY, NUCLEAR WEAPONS.

16. THE CONTRIBUTION MADE TO REGIONAL AND WORLD SECURITY BY A NUCLEAR-WEAPON-FREE ZONE DEPENDS GREATLY UPON DIMINISHING THE RISKS OF AN ARMED CONFLICT BETWEEN THE STATES OF THE AREA, AND ALSO BETWEEN ZONAL AND EXTRA-ZONAL STATES. SOME EXPERTS BELIEVED THAT SECURITY ASSURANCES TO THE ZONAL STATES BY NUCLEAR-WEAPON STATES WOULD CONSTITUTE A MAJOR LINK BETWEEN REGIONAL NUCLEAR-WEAPON-FREE ZONES AND WORLD SECURITY, AND OTHERS CONSIDERED THAT SUCH ASSURANCES COULD BE STRENGTHENED IN CERTAIN CASES BY ACCEPTING THE ESTABLISHMENT OF A SAFETY AREA ADJACENT TO THE ZONE.

17. THE CO-OPERATION OF NUCLEAR-WEAPON STATES WITH THE STATES BELONGING TO THE ZONE MAY BE ATTAINED BY CONSULTATIONS AND NEGOTIATIONS AT AN APPROPRIATE STAGE OF THE PROCESS OF ESTABLISHING THAT ZONE. SOME EXPERTS MAINTAINED THAT CLEAR AND FORMAL ASSURANCES BY NUCLEAR-WEAPON-STATES NOT TO USE OR THREATEN TO USE SUCH WEAPONS AGAINST ANY MEMBER OF THE ZONE IS AN ESSENTIAL FACTOR FOR THE EFFECTIVENESS OF THE ZONE. OTHER EXPERTS FELT THAT WHILE SUCH AN UNDERTAKING COULD ENHANCE THE EFFECTIVENESS OF A ZONE, THIS QUESTION SHOULD NOT BE REGARDED AS A PREREQUISITE BUT CONSIDERED AT THE TIME A PARTICULAR NUCLEAR-WEAPON-FREE ZONE AGREEMENT IS BEING NEGOTIATED.

18. WHILE, AS HAD ALREADY BEEN NOTED, THERE NEED BE NO INCOMPATIBILITY PER SE BETWEEN PARTICIPATION OF A NON-NUCLEAR-WEAPON STATE IN A NUCLEAR-WEAPON-FREE ZONE AND ITS PARTICIPATION IN A SECURITY ALLIANCE OR IN OTHER SECURITY ARRANGEMENTS INVOLVING NUCLEAR-WEAPON STATES, SUCH A SECURITY RELATIONSHIP MIGHT CONDITION THE WILLINGNESS OF OTHER NUCLEAR-WEAPON STATES TO PROVIDE SECURITY ASSURANCES TO THE NON-NUCLEAR-WEAPON STATE IN QUESTION. IT SEEMS ESSENTIAL THAT ANY SECURITY ASSURANCES SHOULD BE EMBODIED IN A BINDING AGREEMENT.

8. UNDERTAKINGS VIS-A-VIS THE ZONE

19. THE UNDERTAKINGS TO BE ENTERED INTO IN CONNEXION WITH
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THE ESTABLISHMENT OF A NUCLEAR-WEAPON FREE ZONE SHOULD BE OF UNLIMITED

DURATION, AND MAY CONCERN THREE GROUPS OF STATES; THOSE WITHIN THE ZONE, NUCLEAR-WEAPON STATES, AND OTHER STATES. SO FAR AS THE STATES WITHIN THE ZONE ARE CONCERNED, THE SPECIFIC OBLIGATIONS ENTERED INTO BY THEM SHOULD BE LAID DOWN EXPRESSLY IN A FORMAL TREATY ESTABLISHING THE ZONE. THE OBLIGATIONS ENTERED INTO BY THE NUCLEAR-WEAPON STATES SHOULD ALSO BE EMBODIED IN A FORMAL LEGALLY BINDING INSTRUMENT. THE ATTITUDE OF OTHER STATES VIS-A-VIS THE ZONE COULD BE SPECIFICALLY ESTABLISHED IN SOME CASES OR RECOMMENDED IN A

GENERAL WAY, FOR EXAMPLE, BY MEANS OF RESOLUTIONS OF AN APPROPRIATE BODY OF THE UNITED NATIONS OR OF A REGIONAL ORGAN.

(A) BY STATES WITHIN THE ZONE

20 THE OBLIGATIONS INCUMBENT ON THE STATES PARTIES TO A ZONE TREATY MUST ENSURE SPECIFICALLY THAT THEY WILL NOT DEVELOP, TEXT, PRODUCE, POSSESS OR ACQUIRE NUCLEAR WEAPONS IN THE TERRITORY UNDER THEIR JURISDICTION, AND THAT THEY WILL NOT PERMIT ANYBODY TO STORE, INSTALL, OR DEPLOY SUCH WEAPONS IN THEIR TERRITORIES. IN ADDITION, THEY SHOULD AGREE NOT TO GIVE, SEEK, OR RECEIVE ANY ASSISTANCE IN THE DEVELOPMENT OR PRODUCTION OF NUCLEAR WEAPONS. THE VIEW WAS ALSO EXPRESSED THAT THE STATES WITHIN A ZONE COULD RENOUNCE ALL MILITARY USES OF NUCLEAR ENERGY. ANY OTHER STATE WHICH HAS EXPRESSED ITS CONSENT TO BE BOUND BY THE TREATY, BUT IS NOT YET A PARTY TO IT, SHOULD REFRAIN FROM ANY ACTIVITIES THAT MAY RUN COUNTER TO OR DEFEAT THE OBJECTIVES OF THE ZONE. SOME EXPERTS EXPRESSED THE VIEW, THAT THE COMMITMENTS OF STATES BOUND BY THE TREATY ESTABLISHING THE ZONE SHOULD INCLUDE THE PROHIBITION OF TRANSIT OF NUCLEAR WEAPONS THROUGH THE ZONE, WHILE OTHER EXPERTS STATED THAT ZONE ARRANGEMENTS SHOULD NOT AFFECT EXISTING RIGHTS OF ZONAL STATES TO GRANT OR DENY TRANSIT PRIVILEGES.

(B) BY NUCLEAR-WEAPON STATES

21. MOST EXPERTS FELT THAT THE NUCLEAR-WEAPON STATES SHOULD PLEDGE THEMSELVES TO RESPECT THE NUCLEAR-WEAPON-FREE STATUS UNCLASSIFIED

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OF THE ZONE AND NOT TO USE, OR THREATEN TO USE NUCLEAR WEAPONS AGAINST ANY STATE INCLUDED IN A NUCLEAR-WEAPON-FREE ZONE. THAT COULD IMPLY UNDERTAKINGS: (A) NOT TO INSTALL, DEPLOY OR STOCKPILE NUCLEAR WEAPONS IN THE ZONE, AND IF THEY HAVE DONE SO IN THE PAST, TO WITHDRAW THEM FROM THE ZONE IMMEDIATELY; (B) TO GUARANTEE THAT, IF THEY HAVE MILITARY BASES IN THE ZONE, THEY CONTAIN NO NUCLEAR WEAPONS AND POSSIBLY SHOULD ALLOW THE BASIS OF ESTABLISHMENTS TO BE INSPECTED; (C) NOT TO PROVIDE THE STATES OF THE ZONE ANY ASSISTANCE IN THE DEVELOPMENT, PRODUCTION, OR ACQUISITION OF NUCLEAR WEAPONS; AND (D) TO CO-OPERATE IN THE ESTABLISHMENT OF A SAFETY AREA ADJACENT TO THE ZONE, IF SPECIAL CIRCUMSTANCES EXIST. OTHER EXPERTS, ON THE OTHER HAND, WHILE AGREEING THAT THE CO-OPERATION OF THE NUCLEAR STATES COULD ENHANCE THE EFFECTIVENESS OF A ZONE, EMPHASIZED THAT SUCH CO-OPERATION WOULD HAVE TO BE ON THE BASIS OF NEGOTIATION AND AGREEMENT, THAT NUCLEAR-WEAPON STATES WOULD HAVE TO CONSIDER NUCLEAR-WEAPON-FREE ZONE PROPOSALS ON A CASE-BY-CASE BASIS,

AND THAT THE CONCEPT OF SAFETY AREAS RAISED SERIOUS ISSUES OF A POLITICAL, LEGAL AND SECURITY CHARACTER AND ASSISTANCE IN THE ESTABLISHMENT OF SAFETY AREAS CANNOT BE CONSIDERED AS AN OBLIGATION OF NUCLEAR-WEAPON STATES.

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22. SOME EXPERTS FELT THAT NUCLEAR-WEAPON STATES COULD RESERVE THEIR RIGHT TO RECONSIDER THEIR OBLIGATIONS CONCERNING RESPECT FOR THE NUCLEAR-WEAPON-FREE ZONE STATUS IF STATES IN RESPECT OF WHICH THEY HAVE ASSUMED SUCH OBLIGATIONS COMMIT AGGRESSION OR BECOME ACCOMPLICES OF AGGRESSION. OTHER EXPERTS POINTED OUT THAT A NUCLEAR-WEAPON STATE COULD RESERVE ITS RIGHT TO RECONSIDER ITS OBLIGATIONS TO A NUCLEAR-WEAPON-FREE ZONE PARTY IN THE EVENT OF ANY ACT OF AGGRESSION OR ARMED ATTACK BY THAT PARTY WITH THE SUPPORT OR ASSISTANCE OF A NUCLEAR-WEAPON STATE. STILL OTHER EXPERTS STRESSED, HOWEVER, THAT A NUCLEAR-WEAPON-FREE ZONE WOULD LOSE A SUBSTANTIAL PART OF ITS VALUE IF NUCLEAR-WEAPON STATES, COMMITTEE NOT TO USE OR THREATEN TO USE NUCLEAR WEAPONS AGAINST THE ZONE, RESERVED THEIR RIGHT TO RECONSIDER THIS COMMITMENT.

(C) BY OTHER STATES

23. THE UNDERTAKINGS BY OTHER EXTRA-ZONAL STATES - I.E., OTHER THAN NUCLEAR-WEAPON STATES - WITH RESPECT TO THE ZONE MAY BE EITHER SPECIFIC OR GENERAL. THEIR PURPOSE WOULD BE TO COMMIT SUCH STATES NOT TO CARRY OUT ANY ACTIVITY ENDANGERING UNCLASSIFIED

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THE EFFICIENT FUNCTIONING OF THE ZONE, AND IN PARTICULAR, NOT TO PROVIDE THE STATES OF THE ZONE WITH ANY ASSISTANCE WHICH MIGHT LEAD TO THE DEVELOPMENT OR PRODUCTION OF NUCLEAR WEAPONS. THIS WOULD HAVE PARTICULAR IMPORTANCE IN THE CASES OF STATES WITH HIGHLY DEVELOPED NUCLEAR TECHNOLOGY. THESE UNDERTAKINGS MIGHT NOT REQUIRE ADHERENCE TO THE TREATY ESTABLISHING THE ZONE.

9. CONTROL MEASURES

24. THE VIABILITY OF THE NUCLEAR-WEAPON-FREE ZONE WILL LARGELY DEPEND ON AN EFFECTIVE SYSTEM OF VERIFICATION AND CONTROL THAT ENSURES THE NUCLEAR-WEAPON-FREE STATUS OF THE ZONE. THE STATES PARTICIPATING IN THE ZONE MUST ADOPT MEASURES WHICH WOULD PROMOTE CONFIDENCE AMONG THEMSELVES AND IN COUNTRIES OUTSIDE THE REGION BY ENSURING THAT NO ACTIVITY OF THE STATES MEMBERS OF THE ZONE WOULD RESULT IN THE CIRCUMVENTION OF THEIR OBLIGATIONS. MANY EXPERTS CONSIDERED THAT PROVISIONS SHOULD ALSO BE MADE TO LINK THESE ARRANGEMENTS WITH THE SYSTEM OF COLLECTIVE SECURITY OF THE UNITED NATIONS.

25. IT WAS ARGUED BY MOSE EXPERTS THAT THE EFFECTIVE OPERATION OF A NUCLEAR-WEAPON-FREE ZONE SHOULD INCLUDE THE APPLICATION OF APPROPRIATE IAEA SAFEGUARDS TO THE COMPLETE NUCLEAR FUEL CYCLE IN EACH COUNTRY WITHIN THE ZONE. SUCH SAFEGUARDS WOULD GIVE ALL THE STATES MEMBERS OF THE ZONE AND OTHER STATES ADDITIONAL CONFIDENCE THAT ANY DIVERSION OF FISSILE MATERIAL WILL BE DETECTED IN GOOD TIME AND THUS DETERRED. IN ADDITION, THE ZONE TREATY SHOULD PROVIDE EFFECTIVE MACHINERY TO PREVENT CLANDESTINE ACTIVITIES IN VIOLATION OF THE ZONE TREATY, TO VERIFY THAT NO STATE WITHIN THE ZONE ACQUIRES NUCLEAR WEAPONS BY ANY MEANS WHATSOEVER, THAT NUCLEAR WEAPONS ARE NOT DEPLOYED OR STOCKPILED IN THE ZONE, AND THAT OTHER RELEVANT OBLIGATIONS ARE BEING COMPLIED WITH.

10. RELATIONSHIP BETWEEN DIFFERENT NUCLEAR-WEAPON-FREE ZONES

26. AS MORE NUCLEAR-WEAPON-FREE ZONES ARE ESTABLISHED IN ADDITION TO THOSE ALREADY EXISTING, E.G., IN THE ANTARCTIC AND LATIN AMERICA, TO THE EXTENT THAT AD HOC AGENCIES OR EXISTING REGIONAL BODIES ARE MADE RESPONSIBLE FOR THE CONTROL AND SUPERVISION OF THOSE ZONES, IT IS CLEARLY DESIRABLE THAT UNCLASSIFIED

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ARRANGEMENTS SHOULD BE MADE FOR THE EXCHANGE OF INFORMATION AND
EXPERIENCE, TECHNICAL CO-OPERATION, AND COLLABORATION IN CONTROL
AND SUPERVISION. IT WOULD BE DIFFICULT TO ESTABLISH IN ADVANCE
PRECISE FORMS OF CO-OPERATION OR EVEN TO DECIDE WHETHER THIS
CO-OPERATION SHOULD BE ON A REGULAR AND FORMAL OR INFORMAL
BASIS, OR WHETHER USE SHOULD BE MADE PRIMARILY OF EXISTING
REGIONAL ORGANIZATIONS OR THE UNITED NATIONS. BUT THE
IMPORTANCE OF SUCH CO-OPERATION MUST BE NOTED.

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Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA06331
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750280-0178
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750857/aaaabybu.tel
Line Count: 561
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ACDA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Reference: 75 GENEVA 6321, 75 GENEVA 6328
Review Action: RELEASED, APPROVED
Review Authority: buchant0
Review Comment: n/a
Review Content Flags:
Review Date: 20 FEB 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 FEB 2003 by ReddocGW>; APPROVED <11 MAR 2004 by buchant0>
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Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CCD - NWFZ STUDY, CHAPTER FOUR (RESPONSIBILITIES OF STATES)
TAGS: PARM, XX, CCD
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006